

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshihiro Kimura et al.

Application No.: 10/779,749

Confirmation No.: 2045

Filed: February 18, 2004

Art Unit: 2881

For: **METHOD OF DETERMINING THE CONCAVITY AND CONVEXITY ON SAMPLE SURFACE, AND CHARGED PARTICLE BEAM APPARATUS** **Examiner: P. A. Johnston**

AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION (RCE)

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated December 18, 2008, finally rejecting claims 1-11, and the Advisory Action dated June 29, 2009 and further to the Notice of Appeal filed June 17, 2009, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.